

HIGH-SPEED RAIL AUTHORITY  
MONTHLY MEETING  
TRANSCRIPT OF PROCEEDINGS

FRESNO CONVENTION CENTER  
EXHIBIT HALL 3  
700 M STREET  
FRESNO, CALIFORNIA  
THURSDAY, MAY 3, 2012  
9:06 a.m.

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Ms. Karen Greene Ross, Deputy Director, Legislation

Mr. John Hawley, Engineering Manager

Mr. Mark Mc Loughlin, Interim Deputy Director

Ms. Carey Moore, Board Secretary

Mr. Dominic Spaethling, Regional Manager, San Francisco to  
San Jose section

Mr. Hans Van Winkle, Project Manager

ALSO PRESENT

Mr. Dan Dolan, Stewart Title

A P P E A R A N C E S

ALSO PRESENT

Ms. Valery Forestiere, Forestiere Underground Gardens

Mr. Michael Hogan

Mr. Ed McIntyre

Mr. Frank Oliveira, Citizens for High Speed Rail  
Accountability

Mr. Bill Padillo

Supervisor Henry Perea

Ms. Cherylyn Smith

Mr. Stephen Valenziano

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PROCEEDINGS

ACTING CHAIRPERSON RICHARDS: Good morning,  
ladies and gentlemen.

This meeting of the California High Speed Rail  
Authority Board will come to order.

We welcome you. And Ms. Moore, would you call  
the roll, please?

BOARD CLERK MOORE: Vice Chair Schenk?

VICE CHAIR SCHENK: Here.

BOARD CLERK MOORE: Vice Chair Richards?

ACTING CHAIRPERSON RICHARDS: Here.

BOARD CLERK MOORE: Mr. Umberg?

BOARD MEMBER UMBERG: Here.

BOARD CLERK MOORE: Mr. Burns?

MEMBER BURNS: Here.

BOARD CLERK MOORE: Mr. Hartnett?

BOARD MEMBER HARTNETT: Here.

BOARD CLERK MOORE: Mr. Balgenorth?

Mr. Rossi?

Chairman Richard?

ACTING CHAIRPERSON RICHARDS: Thank you very  
much.

I'd like to start the meeting today by welcoming  
you and give you an outline of what we intend to do today.

1 We have a pretty lengthy agenda. What we intend on doing  
2 is to try to take care of all Items 7 through 17. As is  
3 our custom, we will take public comments in the beginning  
4 of the meeting.

5 As you know, I see a number of you were here  
6 yesterday. We had public comments on the final  
7 Merced-Fresno EIR/EIS. And today -- and we also received  
8 some 20 letters, which members of the Board reviewed  
9 yesterday and yesterday evening along with comments you  
10 made yesterday.

11 We're not going to take any further comments on  
12 the EIR/EIS today. But let me clarify that. If anyone  
13 wishes to comment on Agenda Item Number 10 today -- and  
14 let me read that to you just so you understand. That's  
15 Consideration of a Resolution to Certify the Merced-Fresno  
16 Section EIR/EIS, we do want to hear your comments.

17 We're going to leave the comment period at two  
18 minutes based upon the number of people we see here. If a  
19 number of people come, as you may also have noted, this  
20 Item Numbers 9 and 10 regarding the Fresno-Merced EIR/EIS  
21 is scheduled for hearing today at 10:00. So in order to  
22 ensure that we get all of your comments on this item, we  
23 will go ahead and accept your green cards, which you  
24 should have given the secretary, or please do so. And we  
25 will allow you to get your comments, and as I mentioned,

1 leave those at two minutes.

2 So with that, we'll start -- oh, I'm sorry. We  
3 have the Pledge. I wanted to ask Vice Chair Schenk to  
4 lead us in the Pledge. Thank you.

5 (Thereupon the Pledge of Allegiance was  
6 Recited in unison.)

7 ACTING CHAIRPERSON RICHARDS: I guess I should  
8 state Chair Richard did not leave the Board. He is out of  
9 the state, unfortunately, today. So Vice Chair Schenk and  
10 myself will carry on the duties of chairing this meeting  
11 today. So thank you for your indulgence.

12 Beginning with the public comments first is  
13 Supervisor Henry Perea. And the Supervisor will be  
14 followed by Ed McIntyre.

15 SUPERVISOR PEREA: Mr. Chairman, good morning. I  
16 was going to speak on the item when you certify the EIR.  
17 Are you going to have individual comments?

18 ACTING CHAIRPERSON RICHARDS: We're going to take  
19 all comments right now.

20 SUPERVISOR PEREA: All comments now. Just wanted  
21 to again welcome you to Fresno and acknowledge the  
22 historic decision that you all are going to be making  
23 today. And many years from now, people will look back and  
24 wonder where the decision was made. We'll know it was  
25 here.



1           And two, it certainly is an economic game changer  
2 for Fresno County. This gets going for California, gets  
3 built. And we're going to know that the home was right  
4 here in Fresno. And you were part of making that  
5 decision. So again, thank you. And stay the course.

6           ACTING CHAIRPERSON RICHARDS: Thank you very  
7 much. And it's good to be home, Henry.

8           Mr. McIntyre, followed by Michael Hogan.

9           MR. MC INTYRE: Good morning, Vice Chair Richard  
10 and members of the Authority.

11           This is truly an historic moment, and this is  
12 year four for me working on this project. I represent the  
13 Gordon-Shaw properties heavy maintenance facility site.  
14 I'm here to reiterate the expression of interest we made  
15 two years ago. We're offering 250 acres. And I want you  
16 to know the site is being master planned in conjunction  
17 with Madera County now and the surrounding 1100 acre site.

18           I also wanted to let you know that despite the  
19 concerns about the financial feasibility, this group,  
20 after four years of study and looking at independent  
21 studies and the empirical evidence is hereby offering to  
22 commit up to one billion dollars in private sector  
23 investment to construct a heavy maintenance facility and  
24 ancillary facilities. We've already expended a  
25 significant amount of money in the studies and are

1 convinced of the viability of California.

2           There are 20,000 miles of high speed rail either  
3 operating, planned, or under construction elsewhere and  
4 California's demographics and the per capita income are as  
5 high or higher than anywhere else in the world. So we're  
6 convinced and excited and are willing to present you with  
7 a letter of intent to that regard.

8           To those that want further study or planning,  
9 I've had friends that have been involved in this for over  
10 20 years. I think we've planned enough. I encourage you  
11 to move forward.

12           Thank you very much. Thank you for your efforts,  
13 especially Vice Chair Schenk and Member Umberg who have  
14 been here for a lot of those many years.

15           ACTING CHAIRPERSON RICHARDS: Thank you, Mr.  
16 McIntyre.

17           VICE CHAIR SCHENK: Mr. McIntyre, would you  
18 repeat the dollar number that your client is willing to  
19 invest?

20           MR. MC INTYRE: Okay. I'm also --

21           VICE CHAIR SCHENK: You might want to spell it.

22           MR. MC INTYRE: I'm part of the group as well.  
23 And we submitted a site that will also contain a  
24 maintenance of way facility and a command and control  
25 facility based on your technical memos and best case

1 scenario for the heavy maintenance facility in that  
2 complex.

3 Our heavy maintenance facility site is estimated  
4 at \$668 million. In addition to that, we're willing to  
5 construct the maintenance of way facility, which is  
6 logistically perfect at this site. We're south of the Y.  
7 So we can serve as --

8 VICE CHAIR SCHENK: Just the dollar amount.

9 MR. MC INTYRE: One billion dollars. There you  
10 have a private sector investment offer publicly.

11 VICE CHAIR SCHENK: Thank you.

12 MR. MC INTYRE: Thank you very much.

13 BOARD MEMBER HARTNETT: That was a "b".

14 ACTING CHAIRPERSON RICHARDS: With a "b".

15 Thank you, Mr. McIntyre.

16 Mr. Hogan, followed by Cherylyn Smith.

17 MR. HOGAN: Hello. My name is Michael Hogan.  
18 I'm here representing three groups from the Santa Clarita  
19 Valley.

20 The first group, I'm a resident of Road Runner  
21 Road in Sand Canyon. This road is right known as "High  
22 Speed Railroad." Both route options in this SSAA go right  
23 down my street. This area is very unique for L.A. County.  
24 Those aren't just row houses or tract homes, which there  
25 is nothing wrong with that. These are two to 20-acre

1 horse properties. And the train blasts through beautiful  
2 rural area full of protected heritage oak trees,  
3 displacing families who have lived there, on average,  
4 20 years. All of our children were born and grew up  
5 there. I invite all of you to come down and look at this  
6 area before you build a train there.

7 I'm here also as a Board member of the Sulfur  
8 Springs Elementary School District. As proposed, this  
9 high speed rail is so close to two elementary schools in  
10 this area, it will put over a thousand elementary students  
11 in danger and the sound will impact the learning in the  
12 classrooms.

13 The district has major concerns over this, and  
14 they're addressed in a letter that was delivered to the  
15 Board on June 20th, 2011, which I have copies for you.  
16 None of these concerns are referenced in the SAA, which I  
17 was a little disappointed in. In fact, they're completely  
18 ignored. So I have these copies for you.

19 Third, I'm here as Chair of the newly formed  
20 Santa Clarita Valley High Speed Rail Task Force. The  
21 purpose of forming this task force is to reach out to more  
22 of our own community and to represent the interest of  
23 these residents with regard to the high speed rail. There  
24 hasn't been much feedback to you from the Santa Clarita  
25 Valley, unfortunately. And we're finding as we reach out

1 to the community, we find the majority don't know anything  
2 about the high speed rail coming through our community.  
3 That is disappointing, but it's true. Once they're aware,  
4 they're shocked.

5 The high speed rail is proposed to pass through  
6 Canyon Country, and there is a reason for that name. We  
7 are in a canyon. Sound echoes off the mountains on both  
8 the north and south ends of the canyon country. It will  
9 change the landscape of the east side of the Santa Clarita  
10 Valley and the sound impacts will be irreversibly negative  
11 for thousands of residents.

12 As the city representative did last Board meeting  
13 before the item was postponed until today, I ask that the  
14 Board keep the option of extending the current tunnel  
15 coming from Sylmar by two miles as an alternative. This  
16 will take the train past all residential, commercial, and  
17 all schools in this area. Thank you.

18 ACTING CHAIRPERSON RICHARDS: Thank you, Mr.  
19 Hogan. Thank you for coming up here today.

20 MR. HOGAN: Is there somebody I can give these  
21 letters to?

22 ACTING CHAIRPERSON RICHARDS: Yes.

23 Cherylyn Smith, followed by Stephen Valenziano.  
24 Ms. Smith?

25 MS. SMITH: Good morning. Thank you. Thank you

1 very much for letting me speak off the agenda topics.

2 I'm here to call to your attention to a special  
3 economic consequence of the high speed rail. A purported  
4 benefit for the HSR is it will provide unemployed workers  
5 the access they need to obtain jobs outside their city of  
6 residence. This assumption creates the illusion that the  
7 rail itself would expand job opportunities by affording  
8 easy access to available jobs away from one's home base.

9 This is a fallacy that needs to be exposed. To  
10 elucidate this point, we need to look at the 11 to 11.9  
11 unemployment rate that's held fast for the last  
12 year-and-a-half or so. That's down, of course, from the  
13 atrocious 20 percent that we had in many counties in  
14 California in 2010. Yet, it's still significantly higher  
15 than two or three -- significantly higher than all but two  
16 or three other states in the nation. This is a disgrace  
17 to us.

18 Are we to be proud that we've come down since  
19 2010? Of course not. We should be urgently and actively  
20 involved in doing what is necessary to reverse it. We  
21 simply need to create jobs now.

22 Similarly, are we, the taxpayers, to feel relief  
23 at the revised \$68.4 billion that you've presented to us?  
24 Definitely not. Even the reduced cost projection is an  
25 obscene amount of money because it is money diverted away

1 from immediate, practical, and effective solutions to the  
2 problem of unemployment in our state.

3 If employment opportunities do not significantly  
4 improve, then the rail itself, like the infamous "Bridge  
5 to Nowhere" will reach a dead end. It will serve as a  
6 vehicle not to improve access to jobs, but to deliver  
7 workers to a job devoid of worker and human rights and/or  
8 union representation. Allow me to explain.

9 ACTING CHAIRPERSON RICHARDS: Ms. Smith, could  
10 you try to finish up as soon as you can, please?

11 MS. SMITH: I did request two more minutes, and I  
12 suppose that's being denied?

13 ACTING CHAIRPERSON RICHARDS: No. We only --

14 MS. SMITH: So it's not allowed?

15 ACTING CHAIRPERSON RICHARDS: If you'd like to  
16 finish your thought right now, that would be fine.

17 MS. SMITH: Diverting money to this high speed  
18 rail will degrade working conditions all over the state  
19 because of the high levels of competition that workers  
20 will hold within their hand -- employers will hold within  
21 their hands. Workers then are faced with being replaced  
22 by others all over the state.

23 ACTING CHAIRPERSON RICHARDS: Thank you,  
24 Ms. Smith.

25 MS. SMITH: Thank you.

1           ACTING CHAIRPERSON RICHARDS: Next, Stephen  
2 Valenziano I hope I'm saying that correctly. And Bill  
3 Padilla.

4           MR. VALENZIANO: Yes, Mr. Chairman, Board  
5 members, good morning. Steve Valenziano also from Santa  
6 Clarita this morning.

7           I'm here wearing two hats. One, I'm also a  
8 member of the Santa Clarita Valley High Speed Rail Task  
9 Force Mr. Hogan mentioned.

10          Secondly, I'm a development partner for the Vista  
11 Canyon Project, a 90-acre multi-use development which is  
12 scheduled to provide a job center and an amenity base for  
13 the east side of our downtown, which is sorely lacking at  
14 the moment.

15          One of the alignments that of the train I believe  
16 you're going to look at in the EIR exits the tunnel right  
17 in the middle of our job center and commercial core. This  
18 would be a terrible loss for the city.

19          Here to make two points this morning. One, I'd  
20 like to re-emphasize, as mentioned by Michael Murphy of  
21 the city of Santa Clarita in Sacramento, to please  
22 consider in the EIR continuing the tunnel to save the  
23 eastern side of our community.

24          And the other point would be that the Chairman  
25 Richard a few weeks ago in Sacramento offered to, schedule



1 permitting, visit the community of Acton and Santa Clarita  
2 also just to the south. We'd like to coordinate a time  
3 for that so the Board is very aware of what the train will  
4 be doing to our communities. Thank you.

5 ACTING CHAIRPERSON RICHARDS: Thank you, Mr.  
6 Valenziano.

7 Next, Bill Padillo.

8 MR. PADILLO: Good morning, members of the  
9 Authority. I'm Bill Padillo. I'm here to represent the  
10 city of Palmdale.

11 Item number 8 discusses two alignments going  
12 through the city of Palmdale. And we want to mention that  
13 the city prefers that easterly alignment. The reason  
14 being is because we already have a multi-modal station in  
15 the easterly alignment.

16 Also, the city in previous years has been working  
17 heavily, and we have changed the general plan to provide a  
18 transit oriented development along that site. In  
19 addition, the existing station there, we have right-of-way  
20 next to Metrolink and Union Pacific, which will help to  
21 the new approach. We have the blended approach will help  
22 on that type of site.

23 We would like also to thank the design team that  
24 is working closely with city staff on the technical issues  
25 and the alignment. Issues like the great separations, how

1 this alignment will effect the city streets, which very  
2 important to look ahead. We work in the percent design  
3 right now. We are very happy that we are discussing  
4 issues with the design team.

5 We are willing to help in any way we can help to  
6 work with the UP railroad, because it will be a challenge  
7 to obtain the right-of-way to go through that city.

8 And thank you for your time.

9 ACTING CHAIRPERSON RICHARDS: Thank you, Mr.  
10 Padillo.

11 Mr. Dolan, I see you've got -- I'm not sure if  
12 you intend this just to be a written communication or if  
13 you --

14 MR. DOLAN: Just a quick comment for Tom Fellenz  
15 and you guys and your legislative lady.

16 ACTING CHAIRPERSON RICHARDS: Could you just step  
17 to the microphone, please?

18 And Mr. Dolan will be followed by Ms. Forestiere.

19 MR. DOLAN: My name is Dan Dolan. I represent  
20 Stewart Title and global and Western States Title  
21 Services.

22 I was pleased that Dan Richard told us to  
23 investigate the cap and trade Assembly Bill Number 32. I  
24 found that interesting. And last night, I looked at Karen  
25 Greene-Ross's comments for Item Number 15. I was reminded

1 of an Assembly Bill I wanted to call to your attention.  
2 Mr. Fellenz, that might be important in the future. And  
3 that's Joe Simitian's Assembly Bill Number 1235 that cries  
4 out about what's going to happen for indemnification of  
5 public agencies with the demise of the redevelopment  
6 agencies that used to have some indemnification for  
7 Brownsfield project redevelopment and EPA cleanup costs.

8 I just wanted to say that perhaps your staff  
9 might want to check into this and talk to your eminent  
10 domain lawyers to see if there is some type of  
11 indemnification that the High Speed Rail Authority could  
12 seek ahead of time in case when you do your new  
13 constructions you run across over abandoned railroad  
14 properties or other contaminated sites you don't want to  
15 have to pay to cleanup.

16 ACTING CHAIRPERSON RICHARDS: Thank you, Mr.  
17 Dolan.

18 Ms. Forestiere, welcome.

19 MS. FORESTIERE: I'm back.

20 ACTING CHAIRPERSON RICHARDS: Thank you for being  
21 here.

22 MS. FORESTIERE: Chair and members of the Board,  
23 I know I've got two minutes, so I'll make it brief.

24 I'm here at this point to object to the final  
25 findings. As I said yesterday, as far as the -- I'm

1 Valery Forestiere. I represent one of the eight historic  
2 landmarks in Fresno that's little more than a plaque. I  
3 run historic tours. And it's Forestiere Underground  
4 Gardens is being threatened by the lack of due process.

5 As I said yesterday, we are on the National  
6 Register of Historic Places. And as such, are due more  
7 consideration than what your response to my remarks  
8 yesterday say as, you were on our mailing list to inform  
9 of you meetings. Does not Historic Landmark status  
10 entitle you to a little more consideration than that?  
11 Under the National Environmental Policy Act, NEPA, we  
12 should have been consulted. There should have been  
13 meetings and hearings.

14 In addition, because the California State  
15 Historic Preservation Office should have contacted my  
16 father and my family and invited us under CEQA, California  
17 Environmental Quality Act, to due deliberation. There  
18 have been no hearing from the city of Fresno or the  
19 Historic Preservation Office. I doubt the Mayor has ever  
20 been to the Underground Gardens, much less the Council  
21 members. We have casual contact with some people in the  
22 historic societies, but this type of \$100 billion project  
23 should require some documentation and some due inspection.

24 And in addition to that, part of the city of  
25 Fresno has a Highway City Specific Plan that talks about

1 influence to the Underground Gardens to protect this  
2 resource.

3           And again, I find it insulting to the people of  
4 Fresno that you say that there is -- in your conclusion  
5 that you have contacted and worked with the City of Fresno  
6 Historic. We have no records of that. I would like to  
7 see documentation/evidence that that has occurred and what  
8 the result/findings were and how they came to any kind of  
9 findings without contacting the owners and the historic  
10 owner of the property.

11           And my last comment, since I got buzzed out here,  
12 is that your final remark, again just -- you know,  
13 insulting again that you state categorically the project  
14 would cause no indirect physical destruction or damage  
15 that could result from construction or operation from  
16 vibration effects. Okay. You tell me what studies were  
17 done on this type of historic property. We are not a  
18 reinforced underground bunker here. We are one block from  
19 this. And this will be the basis for future litigation if  
20 not more due process is done.

21           ACTING CHAIRPERSON RICHARDS: Thank you very  
22 much. Thanks for your comments.

23           We have no other speaker cards. I encourage  
24 anybody else that wishes to speak please fill out a green  
25 card and give it to the secretary.

1           What we'll do in the interim, the hearing as I  
2 mentioned earlier on the action on the Fresno-Merced  
3 EIR/EIS is schedule for 10:00. In the interim, we're  
4 going to move -- with the permission of my colleagues,  
5 we'll move to Item Number 11, which is to adopt and  
6 approve the Limited English Proficiency Plan.

7           And Ms. Fonseca, thank you.

8           CHIEF EXECUTIVE OFFICER FONSECA: Good morning,  
9 Vice Chairman Richards and Board members.

10          I'm here to present the Limited English  
11 Proficiency Plan for the Authority.

12          I wasn't quite ready for this, so bear with me as  
13 I gather --

14          ACTING CHAIRPERSON RICHARDS: Is it possible you  
15 can get a little bit closer to that microphone?

16          CHIEF EXECUTIVE OFFICER FONSECA: Okay. Today,  
17 the Authority presents the Limited English Proficiency  
18 Policy and Plan for your adoption, approval, and  
19 authorization to have the Interim CEO, Mr. Fellenz, sign a  
20 policy and transmit the policy and plan to the Federal  
21 Railroad Administration. And I did have a slide for the  
22 audience.

23          The Limited English proficiency policy, it is the  
24 policy of the California High Speed Rail Authority to  
25 communicate effectively and provide meaningful access to

1 limited English proficient individuals on all the  
2 Authority's programs, services, and activities.

3           The Authority shall provide free language  
4 assistance services to limited English proficient  
5 individuals whom we encounter or whenever a limited  
6 English proficient individual requests language assistance  
7 services.

8           The Authority will treat limited English  
9 proficient individuals with dignity and respect. Language  
10 assistance will be provided through a variety of methods  
11 to include staff interpreters, translation and interpreter  
12 services contracts, formal arrangements with local  
13 organizations providing interpretation or translation  
14 service, or through a telephonic interpreter services.

15           The Authority shall develop and maintain a  
16 Limited English Proficiency Plan in compliance with Title  
17 VI of the Civil Rights Act of 1964, Presidential Executive  
18 Order 131-66, and California State law under the  
19 Dymally-Alatorre Bilingual Services Act. That would be  
20 the policy for the Authority.

21           The limited English proficiency plan complies  
22 with Title VI of the Civil Rights Act and as directed by  
23 the Federal Railroad Administration. The limited English  
24 proficiency plan supplements the Title VI plan that was  
25 approved by the Board in March of this year.

1           Limited English proficiency is a term used to  
2 describe individuals who do not speak English as their  
3 primary language and who have limited ability to read,  
4 write, speak or understand English.

5           As a recipient of federal financial assistance  
6 from the Federal Railroad Administration, the Authority is  
7 required to ensure non-discrimination to individuals who  
8 are limited in English and to have access to the  
9 Authority's programs and services in any language  
10 understood by the individual.

11           The plan is designed to assist management, staff,  
12 and consultants to understand their roles and  
13 responsibilities with respect to removing barriers for  
14 limited English proficient individuals and provide  
15 meaningful access to the Authority's programs and  
16 services.

17           The Authority's Title VI Coordinator is also  
18 known as a Language Access Coordinator. The Language  
19 Access Coordinator will conduct an annual self-assessment  
20 utilizing four factors. Factors include:

21           Identifying the number or proportion of limited  
22 English proficient individuals to be served.

23           Second, to identify the frequency with which  
24 limited English individuals will come in contact with the  
25 Authority.



1           Third is identify the nature and importance of  
2 our services and the resources available to provide these  
3 limited English access.

4           The plan will be monitored on an annual basis.  
5 Data will be collected, analyzed, and the demographics  
6 analysis will be updated on a yearly basis.

7           As new groups are identified as we progress with  
8 the project either north or south of move into operations,  
9 the limited English proficiency will change.

10                   --o0o--

11           CHIEF EXECUTIVE OFFICER FONSECA: The demographic  
12 factors that will analyzed for this particular project  
13 indicates that Spanish is the predominant language that  
14 needs limited English proficiency assistance. As you  
15 heard yesterday, we had an individual that came in that  
16 requested that assistance and was glad to provide that for  
17 him.

18           The Authority will be providing limited English  
19 proficiency assistance to Spanish-speakers in California.  
20 And the services then will be provided through our  
21 resources is having two individuals at the Authority who  
22 are available to provide that translation interpreter  
23 services. The Authority also has a high speed card that  
24 has various languages, up to 44 languages, that  
25 self-identifies an individual's needs.

--o0o--

CHIEF EXECUTIVE OFFICER FONSECA: The Authority has also translated a web page that has Spanish-speaking documents and the final documents that have been posted on that particular web page is the Business Plan Executive Summary -- the revised Business Plan Executive Summary and various EIR documents.

Today, I ask the Authority to approve Resolution HSR 1215 and authorize the Interim CEO to sign the policy, approve the Limited English Proficiency Plan and authorize the new CEO to transmit the LEP plan to Federal Railroad Administration.

With your approval of these two requests, the policy and plan will be posted on the Authority's website as well as transmitted to consultants or Authority staffs, the short list of firms and recipients of our findings so they, too, can comply with the limited English proficiency requirements.

ACTING CHAIRPERSON RICHARDS: Thank you, Ms. Fonseca.

Any questions or comments from my colleagues? Vice Chair Schenk.

VICE CHAIR SCHENK: Thank you.

Let me just explain that I asked these questions as daughter of immigrants for whom English was not a first

1 language.

2           Is it any language? Hungarian? Bulgarian? I  
3 mean, any person who comes in with limited English  
4 proficiency, we provide the kinds of services that you  
5 have described?

6           CHIEF EXECUTIVE OFFICER FONSECA: On the rule, it  
7 is at least a five percent of the population needs the  
8 services then we will provide that automatically.

9           VICE CHAIR SCHENK: The population of California?

10          CHIEF EXECUTIVE OFFICER FONSECA: Yes,  
11 California.

12          If we have phone calls or individuals calling in,  
13 we are to provide that assistance, regardless of the  
14 language request. We will be looking -- the Authority  
15 will be looking into providing telephonic interpretation  
16 services. Some of the services that were out there  
17 provide up to 170 language assistance.

18          VICE CHAIR SCHENK: What is the budget for this?  
19 How much will we be expending on these services?

20          CHIEF EXECUTIVE OFFICER FONSECA: Primarily, the  
21 language assistance -- that is the staff volunteers that  
22 is within, of course, the Authority's resources, the  
23 telephone services that is by phone call and depending on  
24 how many minutes are utilized and that can range from  
25 anywhere from 75 cents a minute up to a higher amount --

1           VICE CHAIR SCHENK: Do we have a line item in the  
2 budget for this?

3           CHIEF EXECUTIVE OFFICER FONSECA: I cannot say at  
4 this point what the line item is on that. It is being  
5 proposed for the current next fiscal year.

6           VICE CHAIR SCHENK: Okay. Tom, do you have any  
7 enlightenment on this?

8           CHIEF COUNSEL FELLEENZ: I don't know if we have  
9 any particular line item for this. I mean, it would be in  
10 our general administrative costs.

11          VICE CHAIR SCHENK: I'd like to see that broken  
12 out.

13          CHIEF COUNSEL FELLEENZ: Sure.

14          VICE CHAIR SCHENK: When we get to it pretty  
15 specifically about what we're spending on that.

16               And then I would like to have, as we progress  
17 over the years here, some more discussion. My concerns --  
18 and again, you know, I know how difficult it is not to  
19 speak English. But my concern for the safety and the  
20 welfare of the people affected by this project where  
21 limited English or no English can affect in translation  
22 what happens, so I would like us to make sure that not  
23 only are we providing the translation service, but that  
24 we're also focusing on the who, the where they are  
25 involved in the project, and reports back on the

1 connection between, for example, some construction or  
2 subcontractor who doesn't speak English, who speaks some  
3 other language, and how they fit into the overall  
4 construction or whatever area that they're involved with.

5 CHIEF EXECUTIVE OFFICER FONSECA: Okay.

6 VICE CHAIR SCHENK: Thank you, Mr. Chairman.

7 ACTING CHAIRPERSON RICHARDS: Are there any other  
8 questions or comments of staff?

9 Seeing none, what is before us is the staff  
10 request for Resolution HSRA Number 12-15. What's the  
11 pleasure of the Board?

12 BOARD MEMBER UMBERG: So moved.

13 ACTING CHAIRPERSON RICHARDS: Motion by Director  
14 Umberg.

15 Is there a second?

16 MEMBER BURNS: Second.

17 ACTING CHAIRPERSON RICHARDS: Director Burns.  
18 Please call the roll.

19 BOARD SECRETARY MOORE: Vice Chair Schenk?

20 VICE CHAIR SCHENK: Yes.

21 BOARD SECRETARY MOORE: Vice Chair Richards?

22 ACTING CHAIRPERSON RICHARDS: Yes.

23 BOARD SECRETARY MOORE: Mr. Umberg?

24 BOARD MEMBER UMBERG: Aye.

25 BOARD SECRETARY MOORE: Mr. Burns?

1 MEMBER BURNS: Yes.

2 BOARD SECRETARY MOORE: Mr. Hartnett?

3 BOARD MEMBER HARTNETT: Yes.

4 ACTING CHAIRPERSON RICHARDS: Thank you, Ms.  
5 Fonseca.

6 We'll now move on to Item Number 12. So if  
7 you'll stay with us. This is to adopt and approve the --  
8 excuse me -- to update an amendment on Title VI Plan.

9 CHIEF EXECUTIVE OFFICER FONSECA: This is an  
10 informational item and no action of the Board is required  
11 at this time.

12 At the March 1st Board meeting, the Board  
13 approved the Title VI program plan with an amendment. The  
14 background for the amendment is that Title VI program  
15 states it a report on our accomplishments and activities  
16 will be submitted to the Federal Railroad Administration  
17 on a triennial basis per their directive.

18 Chairman Richard requested an amendment to the  
19 Title VI program plan requiring a yearly or more often as  
20 determined by the Board accomplishment and activities  
21 report to be submitted to the Board Finance and Audit  
22 Committee.

23 The Title VI has been modified to read as, "The  
24 Title VI coordinator shall compile an annual report, or  
25 more often as determined by the Board, on the Authority's

1 Title VI activities that reflect Title VI program  
2 compliance and accomplishments. The report will be  
3 submitted through the Authority's finance and audit  
4 Committee. Upon request, the authority will be  
5 transmitted to the FRA."

6 Thank you very much for your time.

7 ACTING CHAIRPERSON RICHARDS: Thank you, Ms.  
8 Fonseca?

9 Before you leave, do any of the members have any  
10 questions for staff? All right. Seeing none, thank you  
11 very much.

12 Ladies and gentlemen, we're going to move back up  
13 in the agenda now to Item Number 8. Item Number 8 is  
14 Supplemental Alternative Analysis Report for Palmdale.  
15 Mr. McLoughlin.

16 (Thereupon an overhead presentation was  
17 presented as follows.)

18 ENVIRONMENTAL PLANNING INTERIM DEPUTY DIRECTOR  
19 MC LOUGHLIN: Good morning, Mr. Vice Chair and members of  
20 the Board. I'm Mark McLoughlin, Interim Deputy Director  
21 of Environmental Planning.

22 John Hawley is the Engineering Manager for the  
23 Palmdale-L.A. regional consultant team. McDonald, ARUP,  
24 and URS will be giving you a presentation today.

25 The last time this team presented this item at a

1 Board meeting was when they presented the supplemental AA  
2 for the Sylmar to L.A. section in March of 2011. This is  
3 an action item for you today.

4 ACTING CHAIRPERSON RICHARDS: Good morning.

5 MR. HAWLEY: Good morning, Vice Chair, Board  
6 members.

7 So this presentation covers the supplemental  
8 alternative analysis for the subsection of the Palmdale to  
9 Los Angeles section between Palmdale and the San Fernando  
10 Valley, between Palmdale and Sylmar.

11 I think you're probably challenged in seeing the  
12 slides.

13 --o0o--

14 MR. HAWLEY: But the picture that's up on the  
15 screen shows the Palmdale-Los Angeles section. It's about  
16 62 miles in length and traverses mountains between  
17 Palmdale and the San Fernando Valley and then a dense  
18 urban/suburban area from the north end of the San Fernando  
19 Valley all the way into Los Angeles Union Station.

20 In the 2005 program environmental document, this  
21 section included two broad study areas that did not  
22 include specific alignments. The two study areas shown on  
23 the yellow circles on the slide which are the mountain  
24 section and in addition the area local to L.A. Union  
25 Station.



1           And additional alignment studies were performed  
2 in those two areas. In between those two areas, the  
3 alignment follows the existing metro-owned Metro Link and  
4 the Pacific tracks through the San Fernando Valley.

5           So the purpose of this presentation and the  
6 supplemental AA report is to present for Board review and  
7 approval the alternatives in the mountain section.

8                           --o0o--

9           MR. HAWLEY: As mentioned, there was a previous  
10 preliminary alternative analysis report which identified  
11 the broad alternative alignments between Palmdale and Los  
12 Angeles. And that was approved by the Board in July 2010.

13           And then the supplemental AA report in March of  
14 2011 refines the alignment alternatives near downtown Los  
15 Angeles and the San Fernando Valley. At that Board  
16 meeting, the consideration of a Palmdale to Sylmar  
17 sub-section was deferred to a later date. That's what we  
18 are here to present today.

19                           --o0o--

20           MR. HAWLEY: So based on the supplemental  
21 alternatives analysis of March 2011, there are a number of  
22 recommended alignment options. As we click our way  
23 through the slides, we after how we're going to review  
24 those. They'll break them down into historic sections  
25 where they become different alternatives. In Palmdale

1    itself --

2                                   --o0o--

3           MR. HAWLEY:  -- in the Acton and Agua Dulce area,  
4   between Acton and Santa Clarita -- actually in the Santa  
5   Clarita and Sand Canyon area and from Santa Clarita  
6   through to the San Fernando Valley of Sylmar.

7           Click once more.

8                                   --o0o--

9           MR. HAWLEY:  As you can see, the picture -- this  
10   slides shows Palmdale.  And the thing you can see the  
11   difference in land use, there is a big red blob in the top  
12   right is Palmdale airport.

13           You can see the commercial and built-up areas.  
14   And you can also see the alignments.  And just to point  
15   out what the color coding on the alignments means, green  
16   is at grade or predominantly at grade.  Blue is viaducts.  
17   The amber-yellow color is trenches.  And purple down at  
18   the bottom of the slide is tunnel.

19           Consistent with the preliminary AA, we are  
20   proposing two alignments into Palmdale, one on the east  
21   and one on the west.  The east alignment enters Palmdale  
22   at grade across the San Andreas fault and then along the  
23   existing Metro UPRR rail corridor with a proposed stop at  
24   the existing Palmdale transportation center.  Whereas, the  
25   west alignment enters further west through currently

1 undeveloped areas through Palmdale and then joins the  
2 Metro UP rail alignment north of Palmdale airport. That  
3 would mean the station location would not be the existing  
4 transportation center would be about a mile north and  
5 west.

6 --o0o--

7 MR. HAWLEY: Moving on south into the Acton/Agua  
8 Dulce area, the supplemental AA from last year had two  
9 alternative alignments, the east and west alignments,  
10 mostly in the tunnel coming to the surface in different  
11 areas of the Acton area.

12 During the preliminary AA review --

13 VICE CHAIR SCHENK: I'm sorry to interrupt.  
14 We're having -- at least I'm having difficulty hearing.  
15 We can't see that. We do have slides here.

16 Could you reference the figure number that you're  
17 discussing so we can follow along?

18 MR. HAWLEY: You actually have a print out of the  
19 presentation. We are on slide number 11 -- or actually  
20 referring to the report is.

21 VICE CHAIR SCHENK: No, the report. In the  
22 report, please. That figure 1.6-1, for example.

23 MR. HAWLEY: I think what I'd do then is lead you  
24 through the report and --

25 ACTING CHAIRPERSON RICHARDS: Just tell us what

1 page you're going to start with.

2 MR. HAWLEY: I'll start on page -- let me see  
3 what is the best place to start is page 7 of the report  
4 where you see the sub-sections that we're discussing on  
5 the 1.4.43. I was afraid the slide show was going to be  
6 rather challenging.

7 So turning the page, looking at the Santa Clarita  
8 section and the options considered in Sand Canyon -- I'm  
9 afraid the slides will be out of sync with this because  
10 they're in different order. In figure 1.5-1, you can see  
11 that there were a number of alternatives suggested by  
12 stakeholders as a result of our outreach meetings.

13 One suggestion was moving out of the residential  
14 area and closely following the Santa Clara River and  
15 trying to stay within the river as much as possible.

16 The second alternative was to very closely follow  
17 the existing Metrolink.

18 And the third was to very closely follow the  
19 existing freeway, State Route 14.

20 The State Route 14 option would have slowed the  
21 alignment down to about 70 miles an hour, which does not  
22 meet the purpose and need of the high speed rail. That  
23 would also, of course, mean extensive reconstruction of  
24 the freeway, which is an additional expense. So this  
25 option was not carried forward for further consideration.

1           Closely following the Metrolink right-of-way  
2 would also very seriously slow down the alignment also to  
3 speeds of -- depending on how closely you follow it,  
4 between 40 and 70 miles an hour. So again, that does not  
5 meet the purpose and need.

6           A fourth suggestion was to expand the tunnel. At  
7 this stage of the study, we are only putting the alignment  
8 in the tunnel where it is forced upon us by topographic  
9 reasons or where there is a clear case for doing so.  
10 We're not really considering tunnels as purely as a  
11 mitigation measure. And there is no topographic or other  
12 physical reason why this length of alignment should be in  
13 tunnel.

14           We studied in a bit more detail the alignment  
15 following the Santa Clara River, and this had a number of  
16 issues. For one thing, to achieve the speeds required, we  
17 actually have more residential impacts following the  
18 river, because to achieve a speed of 220 miles an hour,  
19 which is our goal, we can't follow the river exactly and  
20 you'll see significant residential impacts.

21           There are also very significant environmental  
22 impacts following the river channel, and there are also  
23 issues with if the tunnel emerges in the river channel,  
24 there are risks of flooding to the project. But there's  
25 also obstructions to the channel, which could cause

1 flooding elsewhere upstream of our alignment.

2 But what we did do, if you look at Figure 1.5.2  
3 on page 9, and we include in the appendices to the report  
4 evaluation of three alternatives.

5 Following the river and a slight adjustment to  
6 preliminary AA alignment, which slows us down, delays  
7 trains by about 15 seconds, but it does have less  
8 residential impact and also avoids a church, which the  
9 preliminary AA alignment did impact. It does bring us  
10 slightly closer to Sulfur Springs School, but we don't  
11 actually impact the school property.

12 As a result of the evaluation, we are  
13 recommending that the two alignments, the Metrolink 200  
14 option and the previous preliminary AA alignment, are  
15 carried forward into the environmental document.

16 Moving onto page 11, looking at alternative  
17 alignments through the Acton area, first of all, near the  
18 bottom of that figure, the SR-14 east alignment you can  
19 see passes close to schools. Since we did the original --  
20 that original alignment as a result of outreach, we  
21 discovered that the school had obtained additional  
22 property and extended the property. So they were crossing  
23 the school property. And we were within about 400 feet of  
24 the proposed new school buildings. This is a proposal to  
25 rebuild the high school.

1           As a result of the outreach, we have now moved  
2 the alignment further south so it could clear the school  
3 property, which I'll show as you can see on the figure on  
4 the next page.

5           There were other suggestions made during the  
6 outreach process. One again was to lower the alignment  
7 and just cross this valley in a tunnel, which meant  
8 pushing the alignment down and creating a tunnel with an  
9 overall length of about 11 miles, which has very  
10 significant operational safety, costs, and other  
11 considerations. And again is not required by the  
12 topography.

13           There was a suggestion to closely follow the  
14 State Route 14 running the median of the freeway. This  
15 would slow the alignment down to about 70 miles an hour,  
16 which does not meet the project goals and also would force  
17 considerable construction of the State Route. And in  
18 addition, the space within the median is already  
19 identified by Caltrans for future freeway widening.

20           And there was a third suggestion, which was to  
21 start off on the SR-14 west alignment and join that onto  
22 the SR-14 east alignment. The reason for that being the  
23 residents of Acton actually preferred the SR-14 west  
24 alignment but were unaware that the city of Palmdale  
25 prefers the east alignment. So they felt that alignment,

1 which connected both west to east, would have been the  
2 best of both worlds. So we developed an alignment which  
3 did that. It does have a speed and journey time penalty  
4 of about 30 seconds, but we can maintain speeds of over  
5 180 miles an hour. And we can avoid what's regarded  
6 perhaps as the downtown area of Acton.

7 So we are proposing that this additional hybrid  
8 alignment is carried forward into the environmental  
9 document.

10 So in summary, we are recommending that we adjust  
11 the alignment previously identified in the preliminary AA.  
12 In the Santa Clarita area, we carried forward the  
13 preliminary AA alternative as it was. Plus this  
14 additional alternative follows Metrolink more closely, but  
15 it still does not follow Metrolink actually. There is a  
16 slight reduction in residential impact. It doesn't impact  
17 the church. It actually does miss the Vista Canyon  
18 development, which was mentioned earlier and only has a  
19 very slight 15 second or so journey time penalty.

20 And then in the Acton/Palmdale area, we are  
21 proposing that we add to this additional hybrid option,  
22 which goes through Acton on the preferred SR-14 west  
23 alignment, but then connects to the SR-14 east alignment  
24 through the existing transportation center in Palmdale.

25 I'd be glad to take any questions.



1           ACTING CHAIRPERSON RICHARDS: Thank you.

2           Any questions for staff or comments?

3           Seeing none, we have before us Resolution HSRA  
4 12-16 Palmdale to Los Angeles Supplemental Analysis  
5 Alternatives Analysis. What's the pleasure of the Board?

6           BOARD MEMBER HARTNETT: Vote we adopt the  
7 Resolution.

8           ACTING CHAIRPERSON RICHARDS: Motion by Director  
9 Hartnett.

10          Is there a second?

11          BOARD MEMBER UMBERG: Second.

12          ACTING CHAIRPERSON RICHARDS: By Director Umberg.

13          BOARD MEMBER HARTNETT: Just comment briefly.  
14 The written reports we received were very detailed and  
15 very helpful to understand the background of the  
16 alternatives and why the recommendations were made.

17          And the verbal report was kind of summarizing and  
18 supplementing. But I want to be clear I thought the  
19 written reports were really very helpful to the background  
20 of understanding this. And I want to thank you for all  
21 the work that went into that.

22          ACTING CHAIRPERSON RICHARDS: Thank you, Director  
23 Hartnett.

24          I also wanted to say something similar, and that  
25 is it's very difficult because of the technology we have

1 before us here that it's difficult to follow it. But we  
2 have, in fact, had very extensive information to review in  
3 the last week-and-a-half or so, which makes it much more  
4 easily followed. Had it been having to look at it the way  
5 you've just seen it would have been very difficult for us  
6 to have acted today.

7 So we have a motion and a second. Please call  
8 the roll.

9 BOARD SECRETARY MOORE: Vice Chair Schenk?

10 VICE CHAIR SCHENK: Yes.

11 BOARD SECRETARY MOORE: Vice Chair Richards?

12 ACTING CHAIRPERSON RICHARDS: Yes.

13 BOARD SECRETARY MOORE: Mr. Umberg?

14 BOARD MEMBER UMBERG: Yes.

15 BOARD SECRETARY MOORE: Mr. Burns?

16 BOARD MEMBER BURNS: Yes.

17 BOARD SECRETARY MOORE: Mr. Hartnett?

18 BOARD MEMBER HARTNETT: Yes.

19 ACTING CHAIRPERSON RICHARDS: Thank you very  
20 much.

21 We're going to -- just as a comment to my  
22 colleagues, there is no report for Item Number 7, so we'll  
23 not have Agenda Item 7 today. And we'll ask staff to  
24 place it on a future meeting date when appropriate.

25 We'll now move to our scheduled -- well, let me

1 do that. We're slightly ahead of that, but we do have  
2 another comment from the public. We'll go back to  
3 comments from the public, and we have Mr. Oliveira.

4 BOARD MEMBER HARTNETT: Mr. Vice Chair, you may  
5 want to just announce again put in any cards by 10:00 for  
6 speaking.

7 ACTING CHAIRPERSON RICHARDS: Thank you. I'll do  
8 that.

9 Mr. Frank if you'll just -- one moment.

10 The hearing we've got scheduled at 10:00 is the  
11 hearing for Item Number 10 on the agenda, which is  
12 Consideration of a Resolution to Certify Merced to Fresno  
13 Section EIR/EIS.

14 So I'm going to ask and encourage anybody who  
15 would like to address us with public comments to please  
16 ensure that your green slips have been or will be given to  
17 the Secretary as soon as possible. We're going to close  
18 those comment cards at 10:00.

19 So please go ahead, Mr. Oliveira. Welcome.

20 MR. OLIVEIRA: Thank you. Frank Oliveira with  
21 the Citizens for California High Speed Rail  
22 Accountability.

23 In the past, we've approached this Board pretty  
24 solidly for a year and expressed that there were problems  
25 with the process. I was not at the meeting here

1 yesterday, but reading through the comments, some of the  
2 information that's available, it appears that in the  
3 section that you're addressing in the EIR today that there  
4 were people who were acknowledging or advising you that  
5 things were misidentified, misevaluated. Things were not  
6 done correctly, which is consistent with the things that  
7 we've brought over the past year.

8 All of that said, I realize you're going to  
9 certify the EIR today for this section. My request is  
10 simple. Since there are many questions pertaining to the  
11 legality of Prop 1A funds being used to proceed forward,  
12 because the Board does not have the funds available to  
13 complete the IOS, my request is simple: Do not buy any  
14 right-of-way until those matters are resolved because  
15 it'll do immense harm to the public. Thank you.

16 ACTING CHAIRPERSON RICHARDS: Thank you, Mr.  
17 Oliveira.

18 Do we have any other members in the audience who  
19 would like to address comments to the Board?

20 Seeing none, we will now close the public comment  
21 portion of the meeting, and we will take up the agenda  
22 items, Agenda Item Number 9.

23 Mr. McLoughlin.

24 ENVIRONMENTAL PLANNING INTERIM DEPUTY DIRECTOR

25 MC LOUGHLIN: Good morning, again, Mr. Vice Chair and

1 Board.

2 At the request of the Board yesterday, staff has  
3 addressed in writing issues raised during our meeting from  
4 the public and the Board and those raised also in letters.

5 Staff's written response has been provided to you  
6 and the public today. If you have this document.

7 ACTING CHAIRPERSON RICHARDS: Yes.

8 ENVIRONMENTAL PLANNING INTERIM DEPUTY DIRECTOR  
9 MC LOUGHLIN: This is available outside in the hallway and  
10 it's also being uploaded currently on our website.

11 BOARD MEMBER HARTNETT: Could you speak a little  
12 close are to the microphone?

13 ENVIRONMENTAL PLANNING INTERIM DEPUTY DIRECTOR  
14 MC LOUGHLIN: Sure. Better?

15 BOARD MEMBER HARTNETT: Yes.

16 ENVIRONMENTAL PLANNING INTERIM DEPUTY DIRECTOR  
17 MC LOUGHLIN: During the preparation of this summary  
18 yesterday and last night, staff has not found any items  
19 that would preclude the Board from considering the  
20 Resolution to certify the Merced to Fresno Final EIR/EIS  
21 today.

22 For questions that you may have, we have  
23 technical staff available to you to answer any questions  
24 that you may have.

25 In addition to that, we've heard from the

1 Forestiere family this morning and would like to engage  
2 with them and meet with them to address their issues. And  
3 we would like to present that to the Board, and staff will  
4 follow through with that item. So we have technical staff  
5 here if there are any questions. I know you've had a  
6 short period of time to review this summary.

7 ACTING CHAIRPERSON RICHARDS: Thank you, Mr.  
8 McLoughlin.

9 And thanks to the staff who I know worked late  
10 into the night and perhaps the early morning hours to give  
11 us the answers to comments and questions that we had  
12 raised to you yesterday.

13 Do any of my colleagues have any questions or  
14 comments of Mr. McLoughlin.

15 Yes, Mr. Hartnett.

16 BOARD MEMBER HARTNETT: Thank you.

17 When we reconvened in the afternoon after having  
18 heard the public comments yesterday, we had the  
19 opportunity to raise questions with staff that we wanted  
20 to make sure were answered today. And I think in your  
21 written report that includes answers to lots of questions.  
22 I think you did address the questions that we asked and  
23 I'm thankful for that.

24 There were over -- by my count, as I said  
25 yesterday, there were about 50 people who spoke at the

1 public portion of the session yesterday, some of whom  
2 raised issues. But we also received correspondence, as  
3 was indicated earlier today, including letters from a  
4 number of attorneys representing various clients. In  
5 reviewing the attorney's letters, frankly, they were  
6 overlapping in large respect in terms of the issues that  
7 they raised.

8           So what I have found in your response that it  
9 appears to me that you have been able to identify the  
10 common subject areas, even though there were multiple  
11 letters that addressed the issues pretty straight  
12 forwardly that were raised. So I thank you for that.

13           It seemed because of the number of letters from  
14 attorneys that there were more issues raised than there  
15 really were. I think when you boil them down, there is a  
16 lot of commonality.

17           One of the ones that I wasn't totally clear on  
18 that I'd like more explanation is in the Perkins, Mann &  
19 Everett letter. There was discussion about a failure to  
20 include the analysis of the I-5 corridor in the manner  
21 that they thought should have been -- could you address --  
22 could someone address that a little bit? I want to make  
23 sure that's clear.

24           ENVIRONMENTAL PLANNING INTERIM DEPUTY DIRECTOR  
25 MC LOUGHLIN: John Popoff of the PMT will address that.

1           DEPUTY PROGRAM DIRECTOR POPOFF: Hi. My name is  
2 John. The Deputy Program Director for the VMT.

3           We had comments yesterday regarding the new  
4 technology on the AGV --

5           BOARD MEMBER HARTNETT: This question is on the  
6 I-5 corridor, is what I was asking about.

7           DEPUTY PROGRAM DIRECTOR POPOFF: My understanding  
8 on I-5 corridor was part of the programmatic where the  
9 decision was made to the Board to consider -- a commitment  
10 was made to go through the urban areas that connected  
11 urban areas of the state of California. I-5 does not do  
12 that. The technology proposed yesterday, if I understand  
13 correctly, was saying that the new technology of the AGV  
14 would make the I-5 viable.

15          BOARD MEMBER HARTNETT: Okay. I understand the  
16 point you're making, I think. Thank you.

17          DEPUTY PROGRAM DIRECTOR POPOFF: That was my  
18 understanding of the question raised yesterday by one of  
19 the commentors.

20          The AGV is not new technology. It was considered  
21 by the Board in its original decision with the I-5  
22 corridor versus the connectivity. The AGV is a product  
23 that is currently produced by the company called Alstom.  
24 The same technology is produced in a very highly  
25 competitive market by large number of manufacturers,



1 including the Germans, the Japanese, the Koreans, the  
2 Chinese.

3 We do not preclude or favor the use of any of  
4 these manufacturers. They're all in a very competitive  
5 market. And the use of the AGV, as I say, is not new  
6 technology. It's technology that is just based on a  
7 single manufacturer that is very competitive with all the  
8 other manufacturers.

9 BOARD MEMBER HARTNETT: Thank you.

10 ACTING CHAIRPERSON RICHARDS: Thank you, Mr.  
11 Hartnett.

12 Yes, Mr. Umberg.

13 BOARD MEMBER UMBERG: Thank you, Mr. Chair.

14 Concern raised by several of the Board members  
15 was with respect to notification. And I'm heartened to  
16 see what we've done with respect to notification. Appears  
17 that we've utilized all three methods that are prescribed  
18 in law. I think it's also the sense of the Board though  
19 that we continue to do whatever we can with respect to  
20 notification that we go beyond what the law requires as  
21 you've done here and continue with the most expansive and  
22 in-depth notification as we possibly can. Thank you for  
23 your report.

24 The second comment with respect to the I-5  
25 corridor, if we could post on our website as one of the

1 frequently asked questions why the I-5 corridor doesn't  
2 work, I think that would be helpful because I think we get  
3 asked that question often.

4 Thank you, Mr. Chair.

5 ACTING CHAIRPERSON RICHARDS: Thank you.

6 Question, Vice Chair Schenk?

7 VICE CHAIR SCHENK: Thank you.

8 One of my big concerns also is notification. And  
9 I know that with limitations and time that sometimes it's  
10 difficult. But this is the biggest project in our state.  
11 And it will affect a lot of small businesses and home  
12 owners who -- particularly small business people who,  
13 they're busy making a living. They're working 12, 15-hour  
14 days. And maybe they don't have time to read the local  
15 newspaper as thoroughly as possible or listen to local  
16 news if it's on.

17 So if there is some way maybe talking to the  
18 small business groups that are in existence to get their  
19 advise on what is a practical way to contact small  
20 business owners. You know, we all get so much junk mail.  
21 I know I stand at my mailbox and just sort of throw stuff  
22 away if it looks like it's junk mail. And maybe a  
23 notification such as ours doesn't look like personal mail.  
24 So if we could figure out some way to effectively and  
25 practically and in a common sense way communicate with

1 folks who are going to be impacted.

2           The second is I was glad to hear that you heard  
3 the Forestiere family again, because that's of concern to  
4 me. And I would like to hear back from you. I appreciate  
5 your hearing what they had to say as well.

6           ACTING CHAIRPERSON RICHARDS: Thank you, Vice  
7 Chair Schenk.

8           Any other comments from the Board?

9           I would only echo what the Vice Chair just  
10 mentioned. And I was pleased to hear you say, Mr.  
11 McLoughlin, your intention to reach out to the Forestiere  
12 family.

13           One other -- not that any of the 50 comments that  
14 we heard yesterday or so didn't strike me in one way or  
15 another, but I would certainly appreciate whoever the  
16 appropriate staff might be to also reach out to Ms. Rose  
17 Martinez and her business is the International Immigration  
18 Service. It would seem to me there is a way that we can  
19 find the means to find solutions for her.

20           ENVIRONMENTAL PLANNING INTERIM DEPUTY DIRECTOR  
21 MC LOUGHLIN: Agreed.

22           ACTING CHAIRPERSON RICHARDS: Thank you.

23           If there are no other comments from the Board on  
24 Item Number 9, thank you, Mr. McLoughlin, very much.

25           ENVIRONMENTAL PLANNING INTERIM DEPUTY DIRECTOR

1 MC LOUGHLIN: Thank you.

2 ACTING CHAIRPERSON RICHARDS: We do have two  
3 other comment cards that did just come in before 10:00.  
4 So we will hear both of those now.

5 The first is from Anja Raudabaugh. I'm not  
6 saying that correctly, and I apologize.

7 MS. RAUDABAUGH: That's okay.

8 ACTING CHAIRPERSON RICHARDS: You did it much  
9 easier for me. It's Raudabaugh. I apologize.

10 MS. RAUDABAUGH: Anja Raudabaugh.

11 ACTING CHAIRPERSON RICHARDS: Thank you.

12 MS. RAUDABAUGH: Very German. Thank you very  
13 much.

14 And thank you for hearing another subsection of  
15 comments. I didn't realize we had that opportunity. So I  
16 apologize. I may not be as eloquently spoken as I was  
17 yesterday.

18 I'm going through the staff's response to  
19 comments on a variety of things yesterday. And of course,  
20 you're going to get some similarity and some overlapping  
21 comments, because similarly, we don't feel we're being  
22 consistently answered.

23 And I see that the staff has made an honest  
24 attempt at answering some of the -- what we felt were  
25 lacking with respect to ag mitigation measures. So I had

1 some questions. I don't know if you want to consider  
2 that.

3 But, essentially, staff is stating that the  
4 Authority will fund the California Farmland and  
5 conservation to implement the preservation of farmland.  
6 And it would be really helpful for those of us on the ag  
7 side to know in what amount, because ag conservation  
8 easements are based on a highly speculative practice of  
9 funding.

10 And the other contention that I have with that is  
11 that that funding is based on willing sellers. And what  
12 happens if you don't have willing sellers is the big  
13 question in Madera County. Because I know today that you  
14 will not have 100 percent willing sellers along the  
15 alignment.

16 So those are some questions that I had.

17 With respect to those mitigation measures  
18 specific to the loss of ag land, if the Board could also  
19 ensure that ag experts are consulted, specifically the  
20 California Farm Bureau, on whether or not they concur that  
21 that's actually going to be a one-to-one loss because this  
22 is new information.

23 So that concludes my comments.

24 ACTING CHAIRPERSON RICHARDS: Thank you,  
25 Ms. Raudabaugh.

1           Our final comment today is from Ms. Martinez.  
2 Welcome back.

3           MS. MARTINEZ: You know my name: Rose Ann  
4 Martinez of International Immigration Service.

5           I believe -- I feel like I don't count. I'm a  
6 businesswoman.

7           ACTING CHAIRPERSON RICHARDS: Is it possible that  
8 you can --

9           MS. MARTINEZ: I feel today when I've heard this  
10 news about my office being closed down like I don't count.  
11 Like I live a life that doesn't count. You can't just  
12 wipe my life away like that. It's not right.

13           I think your engineers need to spend more time in  
14 seeing who's families as well as businesses you're  
15 displacing. I just want you to know that, each one of you  
16 on this Board.

17           Thank you.

18           ACTING CHAIRPERSON RICHARDS: Thank you.

19           We have no more comment cards. And I'm just  
20 going to ask very quickly to the comments you just  
21 recently heard then, Mr. McLoughlin, would there be  
22 anything that staff feels it needs to address to us in  
23 response?

24           MS. RAUDABAUGH: I do not. I think we made a  
25 pretty thorough summary for you.

1           Again, Ms. Martinez and the Forestiere family,  
2 would like to meet with them and reach out to them as  
3 you've suggested. We will do that and take your advise on  
4 working with our engineers.

5           We can also work with the ag group as far as what  
6 our program is for Department of Conservation and our ag  
7 mitigation. We can meet with them and discuss how we're  
8 approaching that. Trying to move forward with properties  
9 of the highest agricultural value that we can provide.

10           ACTING CHAIRPERSON RICHARDS: All right. Thank  
11 you.

12           Do any members have any questions for Mr.  
13 McLoughlin?

14           If not, thank you very much.

15           Ladies and gentlemen, we're now going to move  
16 on to Agenda Item 10, the 10:00 noticed item, the  
17 Consideration of a Resolution to Certify Merced the Fresno  
18 Section EIR Final EIR/EIS.

19           MS. AITCHISON: Good morning, Mr. Richards,  
20 members of the Board, and Mr. Fellenz.

21           My name is Danae Aitchison. I'm with the  
22 California Attorney General's Office. And we are  
23 assisting your staff in the environmental process.

24           On Agenda Item 10, there are no slides today.  
25 Agenda Item 10 provides the Board with an opportunity to

1 consider taking action on the two draft Resolutions in  
2 your Board book. I just want to clarify that there are  
3 two. There is Draft Resolution 12-19 and Draft Resolution  
4 12-20.

5           These two Resolutions, should the Board choose to  
6 adopt them, do a number of things. I want to just take a  
7 minute to walk you through that. But I want to just  
8 emphasize that staff this morning has presented you with a  
9 slightly revised version of Resolution 12-20. It's before  
10 you. Copies were provided to the public outside on the  
11 front desk. That is intentionally done as a red line so  
12 you can see those minor changes. What they do is they  
13 make an adjustment to one of the air quality mitigation  
14 measures. It is accompanied by a one-page revision to the  
15 findings.

16           And it looks like maybe I should pause there and  
17 confirm you have what you need in front of you.

18           It appears Member Umberg has found it.

19           BOARD MEMBER HARTNETT: I've got it, too.

20           MS. AITCHISON: And again, there are copies out  
21 on the front table for any who wish to see that.

22           Let me begin by talking about Resolution 12-19.  
23 This particular Resolution is intended to provide  
24 certification of the final program EIR/EIS for compliance  
25 with the California Environmental Quality Act.



1           Now, the Board has been through this process  
2 quite recently, a couple of weeks ago, but I want to just  
3 go over the basics here. In taking this step, the Board  
4 is going to be making three very critical certifications.

5           First, that the document has been completed in  
6 compliance with CEQA.

7           Second, that the document that's before you and  
8 shown here on the table and all of the other pieces of  
9 paper have been presented to the Board members, reviewed  
10 by them, and considered prior to taking any action today.

11           And third, that the EIR reflects the Board's  
12 independent judgment.

13           So I want to touch on those just very quickly so  
14 you have the information that you need before making  
15 decisions.

16           On the first certification, the Board is being  
17 asked to certify the document for compliance with CEQA.  
18 And I just want to clarify that you may question, how do I  
19 know how to do that? The question isn't: Do you have a  
20 perfect environmental analysis here before you? That is  
21 not the standard.

22           The standard is whether or not the EIR is  
23 functioning as a sufficient information document for your  
24 decision-making purposes and to disclose to the public the  
25 environmental impacts of this project, reasonable and

1 feasible mitigation measures to address those impacts, and  
2 a reasonable range of alternatives. The staff  
3 recommendation before you is the document is sufficient in  
4 that respect.

5           On the second certification, the Board has been  
6 provided with this Board book materials of the entire EIR.  
7 Just for clarity and to recall, the Board was provided the  
8 EIR document in a couple of different ways. Some of the  
9 pieces were provided in hard copy. You also received a  
10 disk with everything. And those were in your Board book  
11 memo. You received hard copies of an errata, and you also  
12 received hard copies of a very short document called an  
13 addendum.

14           Let me just touch on that addendum document.  
15 That was intended to provide the Board with additional  
16 information as well as the public to better explain how  
17 the EIR is synergistic with some of the concepts in the  
18 recently adopted business plan.

19           The third certification regarding independent  
20 judgment. The Board is going to certify that this  
21 document is embraced by you and reflects your independent  
22 judgment. This is not a rubber stamping of this staff  
23 recommendation. The Board's duty here is to take a look  
24 at all of the information before you, the materials you  
25 see today, the public comment that you heard yesterday and

1 today, and to look at the whole of the record and make a  
2 determination.

3 Just confirming again, this isn't a process where  
4 you defer to staff. This is your decision to make.

5 So if the Board chooses to approve Resolution  
6 12-19, you would then move to 12-20. And we're going to  
7 take a minute to explain in a little bit more detail what  
8 that Resolution would do, because that is your functional  
9 approval Resolution for this project.

10 As part of that Resolution, you would be adopting  
11 what are called CEQA findings of fact. These are required  
12 by law. They briefly describe the project that's before  
13 you today for approval. They go through the impacts and  
14 identify all of the mitigation measures that bring some of  
15 those impacts to a less than significant level and others  
16 that remain significant, even if you adopt all of those  
17 mitigations.

18 That Resolution would also adopt a very critical  
19 document called a Statement of Overriding Considerations.  
20 It is also required by law. The Board is required to  
21 explain to the public why the benefits of this project  
22 outweigh those significant environmental impacts that  
23 remain even with implementation of all feasible mitigation  
24 measures.

25 Another document that would be adopted by this

1 Resolution is called a mitigation monitoring and reporting  
2 program. That was touched on yesterday. This is a legal  
3 mechanism by which the Authority is committing to  
4 implement all of the mitigation measures listed there.

5 And then finally, the project approval. I want  
6 to be very clear, because I think that there was some  
7 confusion with -- the Board asked a question yesterday or  
8 was concerned about confusion over the subject of today's  
9 approval.

10 This is a complex project. It has a complex EIR  
11 with a lot of information in it. But the EIR has  
12 described consistently that there is a lot of analysis  
13 there, but the approval for today would be limited to the  
14 north/south hybrid alignment in the areas outside what we  
15 refer to as the rectangular box. I'm sorry I don't have a  
16 slide. But you have before you in all the materials a  
17 depiction of the alignment with that rectangle.

18 Now, the purpose of that rectangle is not to  
19 indicate that you're disallowing or not embracing anything  
20 inside that box. It's part of the project that's studied  
21 in the EIR, but not up for approval today.

22 The staff recommendation and what is before you  
23 in Resolution 12-20 is that you would approve the  
24 north/south alignment outside of that box and carry  
25 forward all of the potential alignments inside that box

1 are that depicted on that map for additional environmental  
2 review -- potential refinements and additional  
3 environmental review. The purpose of that was to allow  
4 additional alternatives to be considered rather than  
5 moving forward with just two of those east/west and Y  
6 connections.

7 I'd also just like to note here that the heavy  
8 maintenance facility is studied. Five alternatives were  
9 studied in the EIR. The staff is not putting a heavy  
10 maintenance facility site selection forward for you today.

11 So just to summarize, the Resolution would have  
12 you make a decision regarding the hybrid alternative north  
13 and south outside of that rectangular box, a station  
14 location in downtown Merced, a station location in  
15 downtown Fresno, and carrying forward all of that material  
16 with the east/west connections and Ys for further  
17 environmental review and consideration and a decision at a  
18 later date.

19 The final point on the Resolution that's before  
20 you is that it also includes next steps. And those next  
21 steps are intended to clarify that the Y areas will be the  
22 subject of that additional evaluation and that you would  
23 direct the staff to take the steps necessary to move the  
24 approved part of this project forward for implementation.

25 So that concludes my presentation on the

1 decisions before you. If you have any questions, I'd be  
2 happy to answer them.

3 ACTING CHAIRPERSON RICHARDS: Thank you, Ms.  
4 Aitchison.

5 Colleagues, Vice Chair Schenk, any questions?

6 VICE CHAIR SCHENK: Well, I defer to --

7 ACTING CHAIRPERSON RICHARDS: Okay.

8 BOARD MEMBER HARTNETT: Thank you.

9 First, appreciate your verbal summary of the  
10 action that we're being requested to take in the context  
11 of it.

12 I appreciate all the work that's been put into  
13 the documents and the Resolutions. I feel comfortable  
14 with the ability to adopt both 12-19 and 12-20 based upon  
15 independent review of the materials and independent  
16 judgment being exercised on that.

17 As I have said in previous meetings, I've had the  
18 opportunity over the years to review a number of complex  
19 environmental impact reports. And I find the quality of  
20 the work in these documents that we've been presented to  
21 be of the highest nature and up to the standards that I  
22 found to be acceptable in other reports that I've looked  
23 at.

24 I know it's -- there's always issues that arise  
25 in every report that I've reviewed. There's always things

1 that need to be changed at one point or another or  
2 assessed as to whether or not it needs to be changed. And  
3 I find that the concerns that have been raised were  
4 adequately addressed in the documents and in the responses  
5 that you provided in writing and verbally.

6 So I appreciate the work. But I'm not relying  
7 upon your opinion for making my decision on this. I'm  
8 relying on my experience and having reviewed these kinds  
9 of reports and actually reviewing these. And I find them  
10 to meet the required standards.

11 ACTING CHAIRPERSON RICHARDS: Thank you.

12 Director Hartnett.

13 Vice Chair Schenk.

14 VICE CHAIR SCHENK: Thank you.

15 And I echo what my colleague has said. I, too,  
16 over the past 30 years have read more environmental  
17 documents than I care to remember. This is an  
18 extraordinarily complex project. We've read the material,  
19 the material that we have before us here. Listened to the  
20 comments that were made in public, read every letter,  
21 every e-mail that was forwarded to us as Authority  
22 members. And certainly reflected through the night and  
23 this morning on the comments that were made yesterday.  
24 And I think that in the Authority Board Members' response  
25 to staff I think that that consideration was reflected.

1           And this is truly historic for me. Thirty years  
2 in the making since first talking about high speed rail.  
3 I was very heartened to see the young people from our  
4 train and look forward to their continued participation  
5 because this really is now about them.

6           Getting back to the environmental documents,  
7 obviously, we haven't been able to mitigate every single  
8 impact that is either seen as negative or truly is  
9 negative. But in looking at the overall dramatic benefit  
10 to this area and to the state, I think that this  
11 environmental impact reports and statements are as  
12 thorough in addressing the issues as any that I have ever  
13 seen.

14           And although it's not San Diego to Los Angeles --  
15 my colleagues are getting tired of hearing about that, but  
16 I'm going to keep saying it. In that spirit of  
17 compromise, I feel very comfortable in supporting this  
18 based on, as I say, all the independent review that I done  
19 over these weeks and months. And thanks you specifically  
20 and the rest of the staff for the tremendous amount of  
21 work and responsiveness to our questions and concerns.

22           ACTING CHAIRPERSON RICHARDS: Thank you.

23           Just a couple of quick comments also. Certainly  
24 echoing what the Vice Chair just said. But I personally  
25 appreciate very much your assistance, the myriad of



1 questions that I ask, not understanding a lot of the legal  
2 issues. But you've certainly helped clarify things for  
3 me, and the work that the staff has done is truly amazing.

4 For the public, we certainly appreciate those who  
5 are supportive of this project. But I will say that we  
6 appreciate as well and equally those who are critical of  
7 the project, because it may seem to you from time to time  
8 or maybe always that we're not listening. I don't think  
9 that's the case. Clearly, what think is is your input  
10 has, is, and will continue to make this project better and  
11 this system more responsive to the needs of future  
12 generations in California.

13 And it is a historic day, because I think this  
14 brings us closer, not only in the entire northern  
15 hemisphere -- well, perhaps that's unfair -- but north  
16 America, the United States, California, and here in the  
17 local valley, Central Valley of California, which as  
18 everybody up here knows I'm very proud to be a resident  
19 of. To have this start here is a great honor and is the  
20 basis on which this great system will be looked back on to  
21 this action today and what we'll do in the next year as  
22 being a true beginning in bringing transportation to our  
23 citizens into the 21st century in California.

24 That being said, we have two Resolutions before  
25 us. The first Resolution is HSRA 12-19, the certification

1 of the Merced to Fresno section, the Final Environmental  
2 Impact Report, Environmental Impact Statement.

3 BOARD MEMBER UMBERG: So moved.

4 VICE CHAIR SCHENK: Second.

5 ACTING CHAIRPERSON RICHARDS: Motion by Director  
6 Umberg, Second by Vice Chair Schenk.

7 Could we call the roll, please?

8 BOARD SECRETARY MOORE: Vice Chair Schenk?

9 VICE CHAIR SCHENK: Yes.

10 BOARD SECRETARY MOORE: Vice Chair Richards?

11 ACTING CHAIRPERSON RICHARDS: Yes.

12 BOARD SECRETARY MOORE: Mr. Umberg?

13 BOARD MEMBER UMBERG: Yes.

14 BOARD SECRETARY MOORE: Mr. Burns?

15 MEMBER BURNS: Yes.

16 BOARD SECRETARY MOORE: Mr. Hartnett?

17 BOARD MEMBER HARTNETT: Yes.

18 ACTING CHAIRPERSON RICHARDS: The second motion  
19 before us today, as has been noted by counsel, has been  
20 amended since what was placed in your package, but it's  
21 HSRA Resolution Number 12-20.

22 MS. AITCHISON: If I may, Mr. Chairman, and  
23 including the attachment Page A1 with the revised  
24 mitigation measure.

25 ACTING CHAIRPERSON RICHARDS: Thank you.

1 Including the Attachments A1 as the revised mitigation  
2 measures.

3 Yes, Vice Chair.

4 VICE CHAIR SCHENK: Again, this proposal is  
5 responsive to the concerns that many of us had about the Y  
6 alternative. It is confusing to many and you really laid  
7 it out very well.

8 I would just like to perhaps add actually based  
9 on Mr. Burns' suggestion that we have a date by which this  
10 recommendation would come back so that staff shall return  
11 to the Board with recommendations by, say, July 1 or July  
12 31. Would that work?

13 ACTING CHAIRPERSON RICHARDS: I think that what  
14 we're going to have here -- I think first we've got the  
15 motion, which I don't think that provides for that.

16 VICE CHAIR SCHENK: No. But I want to amend the  
17 motion.

18 ACTING CHAIRPERSON RICHARDS: Okay. Fine.

19 VICE CHAIR SCHENK: Before we make it.

20 ACTING CHAIRPERSON RICHARDS: All right. Are we  
21 able to do that?

22 MS. AITCHISON: I'm going to rely on Mr. Fellenz  
23 on the rules of order here for amending.

24 CHIEF COUNSEL FELLEENZ: Yes. You can make your  
25 motion with an amendment.

1           VICE CHAIR SCHENK: That's what I was trying to  
2 do. But I wanted -- I don't want to be unrealistic in  
3 terms of a return date. So July 31?

4           MS. AITCHISON: If I just may clarify, the goal  
5 is to have the staff come back to the Board and report on  
6 progress on the Y area?

7           VICE CHAIR SCHENK: Yes.

8           MS. AITCHISON: Certainly, that can be added at  
9 the end of the Resolution with an appropriate date.

10          CHIEF COUNSEL FELLEENZ: July 31 would report  
11 back.

12          MS. AITCHISON: Is that a Board dating meeting  
13 date?

14          ACTING CHAIRPERSON RICHARDS: I'd like to help  
15 clarify something.

16                I think what we're -- maybe what we need to do is  
17 to ask for the insertion of some additional information in  
18 this motion. So basically what you see before you,  
19 colleagues, is the amended document that has been  
20 presented to us.

21                What I would like to propose to my colleagues is  
22 the following, and that is that with regards to Section 6,  
23 the next steps, that we remove what is noted in the  
24 document that's been presented and with your permission  
25 insert the following: Section 6 next steps would -- if I

1 can read this into the record.

2 "(A) The Authority hereby directs staff to file a  
3 Notice of Determination with the State Clearinghouse and  
4 to take any other necessary steps to implement the  
5 project.

6 "And (B) staff shall carry forward for further  
7 study and analysis all high speed rail elements in the Y  
8 area (i.e., the box in quotation shown in Figure 2 of the  
9 findings).

10 "Such analysis shall determine whether any of the  
11 current Y alternatives should be changed, augmented, or  
12 eliminated or additional Y alternatives considered.

13 "Staff shall return to the Board with  
14 recommendations, including coverage, in further CEQA  
15 documentation by July 31st, 2012."

16 VICE CHAIR SCHENK: Yes.

17 ACTING CHAIRPERSON RICHARDS: All right. With  
18 that proposal, if the Board is so inclined, incorporate  
19 into this Resolution 12-20, what would the Board's --

20 BOARD MEMBER UMBERG: So moved.

21 VICE CHAIR SCHENK: So moved.

22 BOARD MEMBER UMBERG: Go ahead.

23 VICE CHAIR SCHENK: Second.

24 MEMBER BURNS: Second

25 ACTING CHAIRPERSON RICHARDS: Motion by Vice

1 Chair Schenk, second by Director Umberg.

2 Please call the roll.

3 BOARD SECRETARY MOORE: Vice Chair Schenk?

4 VICE CHAIR SCHENK: Yes.

5 BOARD SECRETARY MOORE: Vice Chair Richards?

6 ACTING CHAIRPERSON RICHARDS: Yes.

7 BOARD SECRETARY MOORE: Mr. Umberg?

8 BOARD MEMBER UMBERG: Yes.

9 BOARD SECRETARY MOORE: Mr. Burns.

10 MEMBER BURNS: Yes.

11 BOARD SECRETARY MOORE: Mr. Hartnett?

12 BOARD MEMBER HARTNETT: Yes.

13 ACTING CHAIRPERSON RICHARDS: Thank you very,  
14 very much.

15 (Applause)

16 ACTING CHAIRPERSON RICHARDS: We will now move  
17 on to -- that's a bit of an afterthought, but very  
18 appropriate. Thank you.

19 Item Number 13 is a Blending Update Caltrains.  
20 Mr. McLoughlin. Thank you. I'm sorry. Mr. Albright.

21 PLANNING INTERIM DEPUTY DIRECTOR ALBRIGHT: Greg  
22 Albright, Interim Deputy Director for Planning.

23 I'll be introducing actually our Program  
24 Management Team's Regional Manager, Dominic Spaethling.  
25 And he will do the presentation for the blended service.

1 This is clearly one of those key components of our new  
2 2012 business plan. Dominic.

3 (Thereupon an overhead presentation was  
4 presented as follows.)

5 MR. SPAETHLING: Thank you very much. Dominic  
6 Spaethling, Regional Manager San Francisco to San Jose  
7 section.

8 And I've been asked just to give you an update on  
9 where we are with the blended system and for the blended  
10 concept on the peninsula and tell you what the next steps  
11 are.

12 Next slide, please.

13 --o0o--

14 MR. SPAETHLING: Just in the way of background,  
15 just about a year ago, Congresswoman -- State Senator  
16 Simitian and Assembly Member Gordon released a statement  
17 on high speed rail which included a concept of blended  
18 service. Shortly thereafter, on May 4th, 2011, High Speed  
19 Rail Board met, and the Board directed the CEO at the time  
20 to suspend work on the San Francisco to San Jose section  
21 pending clarification.

22 VICE CHAIR SCHENK: Excuse me. If we could --  
23 Mr. Chairman, could you ask people who are having private  
24 conversations to move it out into the hallway so we can  
25 pay attention to our speakers?

1           ACTING CHAIRPERSON RICHARDS:   Sure.   Thank you  
2 very much.

3           If we could please ask those people who are  
4 having conversations in the back, if you could please go  
5 out into the lobby, we would really appreciate it so the  
6 people in here can pay attention to the presentation.

7           MR. SPAETHLING:   Thank you.

8           So basically at the May 4th Board meeting, 2011,  
9 the Board directed the CEO to suspend work on the San  
10 Francisco to San Jose section, pending clarification of  
11 and further definition of blended service.

12           And really what I'm going to talk about today is  
13 what we've been doing since that time and really how we've  
14 been collaborating with Caltrain and working through what  
15 blended operations and a blended system would mean on the  
16 peninsula.

17           Next slide.

18                               --o0o--

19           MR. SPAETHLING:   Just by the way of  
20 clarification, the graphic on the right is sort of a  
21 graphical representation of the planning process that  
22 Caltrains has been leading.   And really since about a year  
23 ago, Caltrain really took the lead on defining a planning  
24 process that really defines a visual for the peninsula and  
25 really how Caltrain and the high speed rail service could





1 summarized some of their initial findings. I'd just like  
2 to run through those.

3 First and foremost that a blended operation is  
4 conceptually feasible on the Caltrain corridor. And an  
5 electrified system with advanced signal system, which  
6 we'll talk more about later can really increase the  
7 ability to support future train growth on the corridor  
8 just by sort of a benchmark of operating five trains per  
9 hour in each direction in the peak hour now.

10 So with that, a blended system without passing  
11 tracks or new passing tracks for train over-takes can  
12 support up to six Caltrain train and two high speed trains  
13 per hour, per direction, or eight trains total.

14 Next slide, please.

15 --o0o--

16 MR. SPAETHLING: A blended system with additional  
17 passing tracks for over-takes can support up to six  
18 Caltrain and four high speed trains per hour, per  
19 direction, or ten trains total, which is again increasing  
20 capacity.

21 Blended operations results in non-uniform  
22 Caltrain headways. I know that's a fairly technical  
23 sentence. What that means is you can imagine the high  
24 speed trains stop very infrequently. They stop at San  
25 Jose and Millbrae and maybe downtown San Francisco.

1           In order for our trains to do that, the Caltrain  
2 trains have to get out of the way frankly or run up the  
3 system and allow us to come up the corridors. So that  
4 means that Caltrain trains sort of have to bunch together  
5 and then sort of clear the path so that our trains can  
6 come along behind them. So that's what that sentence  
7 means. And that's something we're going to work through  
8 with Caltrain as to how that effectively carries their  
9 passenger loads.

10           And this is a fairly obvious statement. But as  
11 you can imagine, increasing speeds from 79 to 110 miles an  
12 hour decreases the travel times on the corridor. So the  
13 faster you go, the shorter the travel times between San  
14 Jose and San Francisco, in between.

15           So really, this first analysis -- and this is a  
16 conclusion that we have and that we are working from so  
17 far. And we have still a lot of work to do -- that this  
18 analysis is really a proof of concept that that blended  
19 can work on the peninsula.

20                               --o0o--

21           MR. SPAETHLING: Since there has been so many  
22 parallel activities, just to highlight the MOU that, you  
23 know, you approved on April 12th with the MTC as sort of  
24 the lead agency and the city of San Francisco and San Jose  
25 and according regional transportation agencies really

1 defines a set of inter-related projects that are  
2 consistent with this blended system that we were just  
3 talking about, which includes a connection to the transway  
4 transit center, new high speed train station in San Jose  
5 and Millbrae and other core capacity projects. Again,  
6 things that we need to define over the next few months,  
7 year to sort of figure out what we really need  
8 collectively to have a going operation on the peninsula.

9 And finally, an early investment strategy for the  
10 Caltrain corridor, which includes the electrification of  
11 the line and the implementation of the Caltrain CPTC or  
12 positive train control system.

13 --o0o--

14 MR. SPAETHLING: Finally, just -- I should say,  
15 at the last Board meeting, in April, as part of the  
16 partially revised program EIR action, you directed staff  
17 to work with the appropriate local governance and  
18 transportation agencies to develop a more detailed  
19 description of the blended system approach and then to  
20 work on developing a second tier project level EIR for a  
21 San Francisco/San Jose section that should be focused  
22 solely on a blended system approach. We think that's  
23 great direction for us to sort of work with Caltrain on  
24 what both of those individual tasks mean.

25 --o0o--

1           MR. SPAETHLING: And just by way of sort of  
2 updating you on where we are in overall environmental  
3 process on the section, just for your information, the  
4 Caltrain electrification project, you should know that  
5 Caltrain has long envisioned electrifying its line. It  
6 got pretty far along in the process. In fact, in 2009 had  
7 a finding of no significant impact as part of  
8 environmental assessment under the FTA. And then I  
9 believe it was 2010, the PCJB Board or the Community Joint  
10 Powers Board considered the approving the EIR. But then  
11 given where we are with the high speed rail project  
12 decided to hold off on certifying their document. But  
13 they were very close to having a fully approved project  
14 for the electrification. So that's one element of this  
15 overall approach.

16           And then from our side, as some of you know, we  
17 started our full environmental process in January of 2009,  
18 but then suspended that in May of last year per the Board  
19 direction. And so really the next step is to meet with  
20 Caltrain and to discuss how do we move forward with this  
21 system concept? How do we environmentally clear it? And  
22 what are truly the next steps?

23                               --o0o--

24           MR. SPAETHLING: So with that, the next steps.

25           First and foremost, the graphic that I pointed to

1 earlier in the presentation, outlining the multiple steps  
2 of Caltrains' planning process, I think it's worthwhile  
3 for us to play that out and to be a willing participant in  
4 that. It's going to take about a year. But I think it  
5 does -- that the process that's been outline by Caltrain  
6 and we've participated in really helps everybody on the  
7 peninsula understand what this system could truly mean for  
8 them as far as both operational accessibility, but also  
9 the issues with at-grade crossings and potential grade  
10 separations. All of questions can be answered as part of  
11 that process and will give us a better understanding to  
12 move forward with it as far as the environmental process.

13 And as part of that, if you go back to that  
14 slide, you'll see the last box there is sort of coming to  
15 some agreement on how we move forward jointly on  
16 environmental process. Be it, you know, looking at how we  
17 can use the existing work that Caltrain has done or the  
18 existing work the High Speed Rail Authority has done on  
19 the corridor or some combination of the two.

20 So finally, we're going to be starting  
21 discussions on that over the next weeks -- few weeks and  
22 months. And the plan is for us to come back to you with  
23 something to consider and hopefully give us direction on.

24 So I'll stop there.

25 ACTING CHAIRPERSON RICHARDS: Thank you.

1 Any questions?

2 Seeing none, thank you very much.

3 BOARD MEMBER HARTNETT: Mr. Vice Chair, I'd only  
4 note that it brings back fond memories of my first meeting  
5 of the Board. Because it was at the May 4th meeting just  
6 now a year ago that was my first meeting, which this issue  
7 was addressed at some level. So it's been a fun year.

8 ACTING CHAIRPERSON RICHARDS: And it's gone a  
9 long way. Thank you very much.

10 Mr. Albright, visual guidelines.

11 PLANNING INTERIM DEPUTY DIRECTOR ALBRIGHT: Thank  
12 you. This is a quick information item.

13 Item 14 is in your packet there. As is our  
14 normal behavior, we wish to be a good neighbor in the  
15 community. So the question is: How do we create a visual  
16 fit?

17 So as we head towards construction in a very  
18 focused schedule, accelerated process needed to be  
19 developed to work the city into influencing how our  
20 structures, particularly our major structures, walls and  
21 barriers, would visually fit into the context they're at.

22 I'm pleased to say that working closely with the  
23 city staff and recognizing once again that this is an  
24 accelerated process, we have developed an RFP, request for  
25 proposal, addendum that will actually engage the city and

1 our design/build candidates in discussions about visual  
2 issues on key focused areas.

3 I would like to thank the city, because this will  
4 be a very accelerated process. And they're willing to  
5 participate. And we've agreed that we would need to  
6 consider how to resource them to help us. Similar to what  
7 we've done in the city of San Jose, for some of you, you  
8 recognize that we've worked with the city of San Jose to  
9 be able to design guidelines. That's ahead of the  
10 construction project there. Here, we are doing it pretty  
11 much at the same time. But the city is prepared to assist  
12 us with our help.

13 So just coming to the point. I believe that  
14 we're going to find ourselves able by engaging all  
15 parties, including our very innovative design builders, in  
16 coming up with context and solutions that will fit, keep  
17 us on schedule, and yet be a complement to the cities.

18 So just last point would be that there are a lot  
19 of visual issues that are yet unresolved. So it's likely  
20 that we'll be coming back to the Board to talk about  
21 specific solutions, who maintains what, and those sort of  
22 things in the future. We're building those at this time.

23 This is the first project on the ground for us.  
24 So this is actually building a process that will be used  
25 in the future. And I might add that as we build -- which



1 we are building on the San Jose design guidelines as an  
2 example, process-wise, we'll learn a lot as we go through  
3 this particular initial construction portion of our  
4 project. And we hope to be working with cities ahead of  
5 construction in the future as we work our way through our  
6 initial operating segment and beyond.

7 With that, I'll stop and answer any questions.

8 ACTING CHAIRPERSON RICHARDS: Questions? All  
9 right. Thank you very much. And thanks very much for the  
10 report. Thanks, Greg.

11 On to Item Number 15, legislative update.

12 LEGISLATIVE DEPUTY DIRECTOR GREENE ROSS: Mr.  
13 Chairman, members of the Board, this is just an  
14 informational item to update you on the status of various  
15 hearing schedules and legislation pending in the  
16 Legislature.

17 Both the Budget Subcommittees held hearings in  
18 mid-April on the Department of Finance's April finance  
19 letter appropriation request, which was consistent with  
20 the Board-approved funding plan that you approved in  
21 November, as well as the remainder of the Prop. 1A  
22 connectivity fund dollars, the 950 million, the remainder  
23 of that money that CTC is putting forth for those  
24 projects.

25 Both committees heard the items and we had a

1 discussion, but no action was taken at either Budget  
2 Subcommittee at that time.

3           There is not a follow-up date set yet in the  
4 Assembly Budget Subcommittee schedule, though they do have  
5 May 2nd and May 9th as possible follow-up hearing dates  
6 for votes on those items.

7           A full Committee is expected to be post May  
8 revise release, which is expected mid May, the Governor's  
9 May revise. And similarly, no hearing date set in the  
10 budget Subcommittee.

11           There are a few bills pending in the Legislature.  
12 One just recently got amended over in Assembly Bill 41 by  
13 Assembly Member Hill, which just got amended over on the  
14 Senate floor. And that bill enhances disclosure  
15 requirements in a manner consistent with recommendations  
16 from the Fair Political Practices Commission to our  
17 internal Board conflict of interest policies. This bill  
18 was just amended to require members of our ridership peer  
19 review group to also file Statements of Economic Interest.  
20 And that, too, was something that our counsel had already  
21 discussed with the FPPC and were including in our High  
22 Speed Rail Authority's internal conflict of interest  
23 provisions. The floor will take that up, and it will be  
24 come back to the Assembly for concurrence and then will be  
25 enrolled to the Governor.

1           Assembly Member Galgiani had amended one of her  
2 spot bills to require the Authority to consult with the  
3 University of California, Cal State University and  
4 California Community Colleges to look at future workforce  
5 needs for high speed rail. We are still analyzing the  
6 bill for its impacts. We had a presentation planned for  
7 the March Board meeting by the Mineta Institutes who had  
8 put forth a proposal on curriculum development. In  
9 Assemblymember Galgiani's bill, she's not requesting any  
10 funding from Prop. 1A. But we are still analyzing that  
11 bill. And she has another bill that would have the  
12 California Prompt Payment Act apply to the high speed  
13 rail, which it does apply to us. We discussed with the  
14 staff. They may be looking at other amendments to that  
15 bill.

16           Then there are a couple other bills that were  
17 amended and no longer apply to us.

18           And yesterday, while I was sitting here checking  
19 my e-mail, I found out that Senator DeSaulnier just  
20 amended a bill SB 1117. Under current law, Caltrains is  
21 tasked with producing a statewide rail plan every  
22 ten years. This bill was amended to have CTC plan put  
23 forth a statewide rail plan with input from the High Speed  
24 Rail Authority and with Caltrains. So we will obviously  
25 be looking carefully at that proposal.

1           The other two bills that did not pass out of  
2 their house of origin by the policy bill deadline were  
3 Assemblymember Harkey's AB 1455 and Senator La Malfa's SB  
4 95, which both of which would have ceased all future  
5 appropriations for Prop. 1A. They were only differed in  
6 that Harkey's bill would have allowed the connecting funds  
7 to proceed independent of our appropriation.

8           And that's it for now. We'll keep you posted.  
9 Do you have any questions?

10           ACTING CHAIRPERSON RICHARDS: All right. Thank  
11 you very much, Karen. Appreciate it.

12           Item Number 16, do any members have any reports?

13           Okay. Item Number 17, the Chief Executive  
14 Officer's report. Tom.

15           CHIEF COUNSEL FELLEENZ: Vice Chair Richards and  
16 Board members, yesterday, I and Patricia Jones met with  
17 Fresno County Supervisor Susan Anderson, Henry Perea, and  
18 with some city officials, many county officials. We had  
19 our consultants there. And the purpose of the meeting was  
20 to coordinate property acquisitions with our local  
21 partners. The meeting was very productive.

22           Also in attendance was EDC CEO Leanne Edgar.  
23 We're working on a collaborative effort to reach out to  
24 property owners. Right now, we have sent out 50 notices  
25 of decisions to appraise property owners along a

1 alignment. And those were mailed out on April 17th.  
2 There is approximately 600 properties within Fresno County  
3 and the City of Fresno. So it's important for us to work  
4 very closely with our local partners.

5 Tomorrow, myself and Jeff Abercrombie, John  
6 Popoff are going down to Kings County to meet with them  
7 and discuss with them some requests or some answers to  
8 questions that they had posed some time ago and that we  
9 recently answered. There was about 65 questions that they  
10 had related to impacts to their county. So we're meeting  
11 with them personally tomorrow to go over those questions  
12 and see if we can answer any additional questions that  
13 they might have.

14 On May 17th, in Bakersfield, there is a high  
15 speed rail small businesses outreach event with the five  
16 design build proposal teams. Small businesses are  
17 encouraged to attend to discuss business opportunities  
18 that will be available as a result of construction package  
19 number one from north of Merced through the city of  
20 Fresno.

21 I met with Legislative Council this week to  
22 provide information so he could answer Senator Simitian's  
23 question posed to him, which is whether the high speed  
24 rail business plan -- the revised plan is compliant with  
25 Prop. 1A. It was a very good discussion. He's very

1 knowledgeable about the proposition. And he's going to  
2 answer that question for the Senator.

3           On April 23rd, I testified before the Little  
4 Hoover Commission in support of the Governor Brown's  
5 proposal to reorganization state government to create a  
6 transportation agency consisting of California  
7 Transportation Commission, Caltrans, the DMV, Highway  
8 Patrol, and High Speed Rail. This is a report that will  
9 go from little Hoover Commission to the Legislature and  
10 the Governor within 30 days. And it's delivered to the  
11 Legislature. And if 60 days passes, it's automatically  
12 granted for the Governor, his re-organization. Otherwise,  
13 it requires a majority vote to reject the plan.

14           We're hopeful that the plan is adopted by the  
15 Legislature. And we're in favor of this consolidation of  
16 transportation in one agency. I think it will be very  
17 good for a policy direction on transportation for the  
18 state of California.

19           On Monday, the 30th, there was a Assembly  
20 Transportation Committee hearing that Dan Richard and  
21 Board Member Mike Rossi testified at. I think it went  
22 very favorably. Included in the testimony was Will  
23 Kempton, the Chair of our Peer Review Committee. He had  
24 quite a different story to tell this time, and he had very  
25 few concerns about us moving ahead. He does still -- he

1 and his peer review do still have concerns about future  
2 funding, as well as current staffing levels at the High  
3 Speed Rail Board. But I think all in all, it was a  
4 favorable hearing.

5 And that ends my report. I'm here to answer any  
6 questions if you have them.

7 ACTING CHAIRPERSON RICHARDS: Thank you.

8 Any questions for Mr. Fellenz?

9 I see none. Thank you very much, Tom.

10 Ladies and gentlemen, that's the end of our  
11 agenda today. We have not scheduled a meeting for June  
12 yet in terms of having the date, so we can't announce  
13 that. Please look for that. We encourage you to come,  
14 and we thank you for your participation.

15 Thank you again for being here in Fresno and for  
16 my colleagues for coming down. Thank you.

17 (Whereupon the High Speed Rail Authority Board  
18 meeting recessed at 11:02 AM)

CERTIFICATE OF REPORTER

I, TIFFANY C. KRAFT, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing hearing was reported in shorthand by me, Tiffany C. Kraft, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of May, 2012.

---

TIFFANY C. KRAFT, CSR, RPR  
Certified Shorthand Reporter  
License No. 12277